

U.S. DISTRICT COURT
BANGOR, MAINE
RECEIVED AND FILED

Appendix A: Sample Complaint and Civil Cover Sheet

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

2015 JUN -9 P 12: 26

BY _____
DEPUTY CLERK

PRO SE CIVIL COMPLAINT

Case No. **1:15-cv-00220-GZS**
(the court will assign a number)

I. CASE CAPTION: Parties to this Civil Action:

Pursuant to Fed. R. Civ. P. 10(a), the names of **all** parties must appear in the case caption.

The court will **not** consider a claim against any defendant who is not listed in the caption.

1. Plaintiff(s) Name(s): Address(es): Telephone No. (only if
you are **NOT** a prisoner)
Randolph Hale Korsiak 286 Detroit Road Troy, Maine 04987 207-348-6896

2. Defendant(s) Name(s): Address(es) If known:
United States of America

(Attach extra sheets if necessary.)

II. STATEMENT OF CLAIM(S)

State briefly the facts of your claim. Describe how each defendant is involved. You do not need to give legal arguments or cite cases or statutes. Use as much space as you need to state the facts. (Attach extra sheets if necessary.)

1. **When** did the events occur?

March 2008

2. **What** happened?

In March of 2008 I went in to the Togas VA for bone spur removal on my left ankle by

Dr. Thomas C. Francinni. No after care was provided and a nurse removed the sutures 2 Weeks later.

January 2013 I received a letter dated 10 January 2013 stating that Dr Francinni had been

dismissed due to poor medical practices, further stateing that the VA would like to see me

to determine if any malpractice was preformed as a result of my surgery.

Dr Foster of the Jamaica Plains VA determined that an issue is present, and that negligent medical care is evident.

I did not learn of, nor had any reason to know that I had been the victim of negligent medical

care until I met with Dr Foster after receiving the January 10, 2013 letter.

III. STATEMENT OF JURISDICTION

Check any of the following that apply to this case (you may check more than one):

- ☒ United States or a federal official or agency is a party
- ☒ Claim arises under the Constitution, laws or treaties of the United States

Violation of civil rights

Employment discrimination

Diversity of Citizenship (a matter between citizens of different states in which the amount in controversy exceeds \$75,000)

Other basis for jurisdiction in federal court (explain below)

IV. STATEMENT OF VENUE

State briefly the connection between this case and Maine. For example, does a party reside or do business in Maine? Is a party incorporated in Maine? Did an injury occur in Maine? Did the claim arise in Maine?

The surgical procedure was preformed at the Togas Veterans Hospital in Augusta, Maine
by Doctor Thomas C. Franchinni.

V. RELIEF

State briefly what you want the court to do for you.

I am requesting the court render a decision, and award compensation as to the matter
of malpractice.

VI. EXHAUSTION OF ADMINISTRATIVE PROCEDURES

Some claims, but not all, require exhaustion of administrative procedures. Answer the questions below to the best of your ability.

1. Have the claims which you make in this civil action been presented through any type of administrative procedure within any state or federal government agency?



Yes

No

2. If you answered yes, state the date your claims were so presented, how they were presented, and the result of that procedure:

The Office of Veterans Administration Regional Counsel received my SF-95 Claim on January 28, 2014

The SF-95 Claim was sent via Certified mail. The Claim was denied by letter dated July 7, 2014

We requested reconsideration from the Office of General Counsel on August 21, 2014

The Claim was denied again on reconsideration by the OGC on January 29, 2015

3. If you answered no, give the reasons, if applicable, why the claims made in this action have not been presented through administrative procedures:

VII. ARE YOU REQUESTING TRIAL BY A JURY OR BY A JUDGE?
(check one):

JURY

☒ JUDGE

VIII. VERIFICATION

I (we) declare under penalty of perjury that the foregoing is true and correct.

Date(s) Executed:

Signature(s) of Plaintiff(s):

06/09/2015

Randolph H. Korman

Note:

IF YOU CANNOT AFFORD TO PAY THE COURT'S FILING FEE UPON THE

FILING OF YOUR COMPLAINT, THERE IS A SEPARATE FORM TO BE USED FOR APPLYING TO PROCEED IN FORMA PAUPERIS. Also, if there is more than one plaintiff in the case who wishes to proceed *in forma pauperis*, **each such plaintiff must submit a separate application to proceed *in forma pauperis*.**